

Thorp, Clarke,
Neville & Radford, P.A.

Attorneys at Law

150 N. McPherson Church Road, Suite B ♦ Fayetteville, NC 28303

RECEIVED & INSPECTED

FEB 22 2005

FCC - MAILROOM

Herbert H. Thorp (1932-1996)
F. Stuart Clarke
J. Thomas Neville
Jeffrey E. Radford

Mailing Address:
Post Office Box 670
Fayetteville, NC 28302
(910) 323-4111
Fax (910) 483-1247

February 15, 2005

Via Certified Mail 7004 1350 0000 4014 5086

Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Washington, DC 20554

Request for Review
Request for 471 Waiver
Letter of Appeal 6
CC docket No. 02-~~06~~
FCD Letter (Funding Year __: 07/01/04-6/30/2005)
Submitted by: Trinity Christian School
Dennis Vandevender
3727 Roschill Rd.
Fayetteville, N.C. 28311-6603
471 Application Number: 432746
Applicant's Form Identifier: TR47104

To Whom It May Concern:

This letter of appeal is being written on behalf of our client, Trinity Christian School (Trinity), in anticipation that you will accept our appeal positively and allocate the requested funds. We understand that the Form 471 Certification sent to you by Trinity was postmarked after the window had closed. It was our intention to fully comply with the window closing date. However, we feel that unforeseeable and extenuating circumstances, which could not have been avoided even with careful planning, warrant an equitable remedy to denial.

On Wednesday, February 4, 2004, our client attempted to send their application electronically, but they were unable to do so due to a change in Personal Identification Number (PIN). At the time of sending the application, Trinity did not realize their PIN number had been changed. Trinity did not realize that their PIN had been changed because the notification was not sent to Trinity. Universal Service Administrative Company, School & Libraries Division (SLD) did not send notification to Trinity and in error sent their notification electronically to the email address "bloom@maindex.com".

No. of Copies rec'd 0
List ABCDE

Trinity has no knowledge as to how or where SLD obtained the incorrect email address. Because of SLD's error, Trinity did not receive a new PIN number. We now understand that all applicants were sent a new PIN number. Trinity does not have any knowledge of receiving a new PIN number.

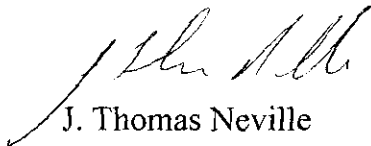
Upon notification of the electronic denial due to an incorrect PIN, Trinity contacted SLD directly and they were informed of the change in PIN and correctly instructed that Trinity could submit their application via regular mail service and the application would be received provided that the application was postmarked February 4, 2004. Trinity proceeded to mail their application.

Trinity, at approximately 8:30 p.m., February 4, 2004, deposited their application at the front desk of the U.S. Post Office located at 301 Green Street, Fayetteville, North Carolina. Trinity assumed that the application was correctly postmarked February 4, 2004. However, Trinity was informed by SLD via a letter dated June 14, 2004 that the application was not postmarked until February 5, 2004. Trinity has no explanation as to why the application was not correctly postmarked because they deposited the application well within the window closing date.

It is our earnest hope that you will accept this letter of appeal. We understand that there must be a deadline to all applications. However, we are certain that such a harsh result was not intended in a situation such as this. Trinity carefully planned to send their application as required, but because of SLD's failure to correctly notify Trinity they were unable to file electronically. Trinity then deposited their application well within the window of acceptance, but the application was not correctly postmarked. We have attached affidavits to better explain the course of events. If we can be of any assistance, please do not hesitate to contact me at the above referenced address or phone number.

Thank you.

Thorp, Clarke, Neville & Radford, P.A.



J. Thomas Neville